

902 KAR 20:300. Operation and services; nursing facilities.

RELATES TO: KRS 209.030(2)-(4), 209.032, 216.510-216.525, 216.532, 216.535, 216.540, 216.543, 216.545, 216.547, 216.785-216.793, 42 C.F.R. 483.1-483.95

STATUTORY AUTHORITY: KRS 216B.042

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042 requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary for the proper administration of the licensure function, which includes establishing licensure standards and procedures to ensure safe, adequate, and efficient health facilities and health services. This administrative regulation establishes minimum licensure requirements for the operation of and services provided by nursing facilities.

Section 1. Scope of Operations and Licensure.

(1) A nursing facility licensed under this administrative regulation shall comply with federal, state, and local laws and regulations pertaining to the operation of the facility, including compliance with the laws and regulations specified in this subsection.

(a) A nursing facility shall comply with the requirements of 42 C.F.R. 483.1-483.95.

(b) A nursing facility shall not be operated by or employ any person who is listed on the:

1. Nurse aide abuse registry pursuant to KRS 216.532; or
2. Caregiver misconduct registry established by KRS 209.032 and 922 KAR 5:120.

(c) A nursing facility shall comply with the preemployment criminal background check requirements of KRS 216.785 - 216.793.

(d) A nursing facility shall comply with the tuberculosis (TB) testing requirements established by:

1. 902 KAR 20:200; and
2. 902 KAR 20:205;

(e) A nursing facility shall ensure that the rights of residents are protected in accordance with KRS 216.515 - 216.520.

(f) A nursing facility shall conspicuously display the posters required by KRS 216.525 that detail how an individual may make a written or oral complaint to the cabinet.

(g) A nursing facility shall provide the information required by KRS 216.535(3) upon admission of a nursing facility resident.

(h) A nursing facility shall comply with the requirements for access to the facility pursuant to KRS 216.540(2) - (5).

(i) A nursing facility shall comply with the posting requirements of KRS 216.543.

(j) Upon admission, a nursing facility shall provide a copy of the statement required by KRS 216.545(2) to the resident, resident's family member, or guardian.

(k) A nursing facility shall comply with the requirements for public inspection of the information and documents identified in KRS 216.547(1).

(l) A nursing facility shall comply with the license procedures and fee schedule established by 902 KAR 20:008.

(m) A nursing facility shall maintain written policies that assure the reporting of cases of abuse, neglect, or exploitation of adults pursuant to KRS 209.030(2) - (4).

(2) A nursing facility may participate in the Kentucky National Background Check Program established by 906 KAR 1:190 to satisfy the background check requirements of subsection (1)(b) and (c) of this section. (17 Ky.R. 2319; 2730; 3121; eff. 5-3-1991; 45 Ky.R. 1117; eff. 12-12-2018.)